



Civil Litigation Division

BY EMAIL AND ECF FILING

June 12, 2024

Re: *United States and the State of Mississippi v. City of Jackson, MS*,
No. 3:12-cv-00790-HTW-LGI (S.D. Miss.) (Clean Water Act Case)

United States v. City of Jackson, MS,
No. 3:22-cv-00686-HTW-LGI (S.D. Miss.) (Safe Drinking Water Act Case)

Dear Judge Wingate:

The State of Mississippi writes to notify the Court that it intends to file a notice of appeal from the Court's April 16, 2024, order directing the State's agencies to disclose Supplemental Nutrition Assistance Program (SNAP) information to the Interim Third-Party Manager, Dkt. 107 ("SNAP Order" or "Order"). In light of the impending deadline to appeal, the State respectfully advises that without a written order being entered on the docket vacating the SNAP Order by 5 pm this Friday (June 14, 2024), the State will have to file a notice of appeal that day to protect itself and its agencies. Federal law bars the disclosure of the SNAP information the Manager seeks, so complying with the Order would require the State's agencies to commit federally prohibited acts that will imperil millions of dollars in federal funding.

By way of background: In March, the Manager moved this Court to order that federally protected SNAP information be produced to him. Dkt. 98. The United States opposed that motion. Dkt. 101. So did the Mississippi Department of Human Services, which is not a party to these cases but possesses the SNAP information the Manager seeks. Dkt. 101-1 (letter to Manager, attached to United States' opposition); Dkt. 101-2 at 27-31 (transcript of MDHS addressing Court at status conference). The United States and MDHS informed the Court that federal law bars the disclosure of the SNAP information the Manager seeks and explained that if MDHS were to release

that information it would risk losing millions of dollars in SNAP benefits. *E.g.*, Dkt. 101 at 7-10; Dkt. 101-1 at 1-2; Dkt. 101-2 at 27-31; *see* 7 U.S.C. § 2020(e)(8); 7 C.F.R. § 272.1(c). The United States and MDHS both expressed willingness to help achieve the Manager's goals and articulated lawful ways to do so. *E.g.*, Dkt. 101 at 13-15; Dkt. 101-1 at 3.

But on April 16, 2024, the SNAP Order was entered. That Order requires "the relevant federal and/or State agencies implementing the SNAP program" to produce to the Manager a list of names and addresses of SNAP recipients residing in the zip codes served by JXN Water—first by April 30 and then quarterly. Dkt. 107 at 2, 4. The Court has since extended the time to respond to the Order. *E.g.*, Dkt. 109. The United States moved this Court to stay the SNAP Order (Dkts. 113, 114) and later informed the Court that the U.S. Solicitor General has authorized an appeal from the Order (Dkt. 117).

The State would prefer to avoid appellate proceedings, but cannot ignore the 60-day appeal deadline that falls on this Saturday. At a recent status conference, this Court suggested that it may wish to resolve the matter and avoid appellate review of the Order. The State is hopeful the Court will vacate the order by Friday, which would eliminate the need for appellate proceedings. If the Order remains in place and has to be appealed Friday, this Court will lose its ability to vacate the order since the notice of appeal will deprive this Court of jurisdiction over the Order.

The State does not lightly put the Court on notice of the need to act by Friday before the appeal deadline, but the State must protect itself and its agencies.

The State appreciates the Court's consideration.

Respectfully submitted,



Beth Windsor Usry
Special Assistant Attorney General

cc: Counsel of Record, via ECF filing